



# District of Columbia Sentencing and Criminal Code Revision Commission

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## **FULL COMMISSION MEETING MINUTES**

Tuesday, June 22, 2010  
Judiciary Square, Room 1117  
Washington, DC

### Attendance:

Frederick Weisberg	Laura Hankins	Harold Cushenberry
Ramsey Johnson	Cedric Hendricks	Barbara Tombs
Thomas Kane	Brian Forst	Courtnei Burleson
Pat Riley	Nancy Ware	Ken Cowgill
Jennifer Seltzer-Stitt	Adele Harrell	Chan Chanhathasilpa
Stephen Husk	Megan Orsagh	Mia Hebb
Don Braman (via phone)		

- I. Call to order at 5:30 p.m.
- II. Cedric Hendricks announced that Nancy Ware will be attending meetings with him on behalf of CSOSA.
- III. Minutes from the April 27, 2010 meeting were approved.
- IV. Budget Update by Barbara Tombs

Initially, the budget cut that was proposed by the Mayor's Office called for a reduction from the agency's 2010 budget of \$816,000 to \$709,000 in FY 2011 and a reduction in positions from 7 to 5. The Council's final budget allocations restored the agency's FY 2011 budget to \$797,500. Specifically, Ken Cowgill's part-time position was restored as well as a Policy Analyst position. The position that he currently is occupying will be filled with an attorney or paralegal once Ken vacates at the beginning of the 2011 fiscal year. Also, an announcement was recently posted for a data manager to fill one of the staff positions vacated in April. Judge Weisberg gave some background information on the budget process and the significance of the Council's most recent budget allocation for the Commission.

Two Subcommittees were created – Criminal Code Revision Subcommittee and Public Outreach Subcommittee. Each subcommittee is scheduled to meet over the summer and will present its progress at the next full Commission meeting.

The Criminal Code Revision Subcommittee will be chaired by Ron Gainer and will include Dave Rosenthal, Don Braman, Laura Hankins, and Pat Riley.

The Public Outreach Subcommittee will be chaired by Anne Seymour and will also include Jennifer Seltzer-Stitt.

#### V. Fines Proportionality

Ken Cowgill discussed a proposal that there should be some increase to the currently-typical \$1000 to one year ratio for fines. He reported that Pat Riley (USAO) suggested that the more serious felonies should have a ratio of \$5000 to one year while Laura Hankins (PDS) suggested that a \$2000 to one year ratio might be suitable. Members discussed the purpose and structure of fines and Laura Hankins later suggested that perhaps fine provisions should be eliminated.

Brian Forst commented that a flat rule on fines does not always make sense and that we might want to look at what other states/jurisdictions have done. Adele Harrell suggested that a formula should be initially created to establish some type of proportionality and then each offense can be reviewed to see if the punishment fits the crime.

#### VI. Proposed New Rankings of Three Offenses

A. Conspiracy to Commit Crime of Violence: Proposal is to have Conspiracy to Commit Murder and Conspiracy to Commit an armed Crime of Violence placed in Master Group 5. For other conspiracies to commit COVs, if the predicate offense is in Master Group 6 or 7, then it would stay in that same severity group. All other Conspiracies to Commit Crimes of Violence would be placed in Master Group 7. However, if the predicate offense is in Master Group 8 or 9, it would stay in the same offense severity group.

**The vote was nine (D. Braman, H. Cushenberry, B. Forst, L. Hankins, A. Harrell, C. Hendricks, R. Johnson, J. Seltzer-Stitt, F. Weisberg) to one (P. Riley) in favor of these proposals.**

B. Unauthorized Use of a Motor Vehicle During or to Facilitate a Crime of Violence Resulting in Serious Bodily Injury: The proposal is to have this offense placed in Master Group 7.

**The vote count was nine in favor (D. Braman, H. Cushenberry, B. Forst, L. Hankins, A. Harrell, C. Hendricks, R. Johnson, J. Seltzer-Stitt, F. Weisberg), with one abstention (P. Riley).**

C. Introducing/Possession of Contraband by an Inmate – Class A Materials: Pat Riley proposes that this offense be in Master Group 7 because Class A materials such as guns and knives are more dangerous in prison than on the street. Laura Hankins

proposes that this offense stay in Master Group 8 because the D.C. Council did not change this offense.

**The vote count was seven for retaining the offense in Master Group 8 (D. Braman, H. Cushenberry, B. Forst, L. Hankinks, C. Hendricks, J. Seltzer-Stitt (proxy), F. Weisberg) and three to move it to Master Group 7 (A. Harrell, R. Johnson, P. Riley).**

VII. Issues Papers

Judge Weisberg stated that the D.C. Council expects the Commission to produce issues papers annually. Barbara Tombs announced that the current issues paper on Unauthorized Use of a Motor Vehicle (UUV) required some fine tuning and that a draft will be distributed to members once it is completed..

Adjourn: 7:00 pm

NEXT MEETING:

Tuesday, September 21, 2010, One Judiciary Square (441 4<sup>th</sup> St., NW), 11<sup>th</sup> Floor.